

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KYLE SMITH,

Plaintiff,

V.

PROMARK PRODUCTS WEST, INC.

and

ARIENS COMPANY,

Defendants.

CIVIL ACTION

NO. 02-CV-2718 (RLB)

ORDER

AND NOW, this _____ day of _____, 2004, upon consideration of Defendants', Promark Products West, Inc. and Ariens Company, Inc., Motion for Summary Judgment and the plaintiff's response thereto, it is hereby ORDERED and DECREED that said Motion is GRANTED and plaintiff's breach of warranty, strict liability (including design, manufacturing and warning defects) and negligence claims are dismissed with prejudice.

BY THE COURT:

The Honorable Ronald L. Buckwalter
United States District Court Judge

CERTIFICATE OF SERVICE

I, Howard W. Donahue, Jr., Esquire, hereby certify that a true and correct copy of the within Defendants', Promark Products West, Inc. and, Ariens Company, Motion for Summary Judgment by Federal Express, on the _____ day of _____, 2004:

S. Richard Klinges, Esq.
Begley, Carlin & Mandio, LLP.
680 Middletown Blvd.
Langhorne, PA 19047
Attorney for Plaintiff, Kyle Smith

_____(HWD2052)
Howard W. Donahue, Jr., Esquire
Attorney for Defendants, Promark Products West,
Inc. Ariens Company

824601v1